

application. We have contacted Antonios Maragkos, and have forwarded the Declaration for his signature, but we have not received the signed Declaration as of yet.

The Declaration demonstrates that the cited Allen et. al. Patent discloses an invention which the inventors of the above identified application invented.

Disclosure of the present invention in the Allen et. al. Patent is not unusual because the inventors of the present application and the inventors of the Allen et. al. Patent were all employees of IBM and worked on the same project at the same time. As a consequence, the Allen et. al. Patent shows inventions, including the present one, which were not invented by Allen et al. In fact, inventors of the present application overlap inventors of the Allen et. al. Patent.

The rejection based upon Allen et al. Patent is, in effect, the applicants' own work used to reject the claims of the applicants' present patent application. The applicants' contend, under MPEP Sections 715.01(a) and/or 716.10, the Allen et. al. patent should no longer be applicable to reject claims of the above identified patent application, based upon the facts set forth in the Declaration referred to above. With the removal of Allen et. al. there is no other rejection against the claims. Therefore, re-examination and early allowance of all the claims are respectfully requested.

It is believed that no fee is required for the filing of this Amendment; however, if any additional fee is due in connection with the filing of this Declaration and the Amendment, the Patent Office is authorized to charge those fees to Deposit Account 50-0563 in the name of International Business Machines Corporation.

Respectfully submitted,



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